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Proposed U.S. Letter of Apology

Following is the Department of Justice's proposed apology to plaintiffs whose mail had been opened by the Central Intelligence Agency in a 1953-73 domestic project, as sent yesterday to Federal Judge Jack B. Weinstein in Brooklyn:

Dear _____:

The purpose of this letter is to extend to you the sincerest regrets of the United States Government for any harm you may have experienced as a result of the interference with your mail.

We understand that, as a result of these mail-opening activities, you have expressed distress at this intrusion into your private correspondence. In this regard, I can assure you that adequate steps have been taken to see that there is no recurrence of such activities in the future.

As you may know, Executive Order 11905 withdrew any prior authorization for C.I.A. mail-opening programs and expressly prohibits the opening of mail or examination of covers of mail in the United States postal channels except in accordance with applicable statutes and regulations. No statute or regulation authorizes the C.I.A. to open mail.

In addition, the Attorney General found in, arriving at his decision not

to prosecute certain individuals engaged in mail-opening activities, that the opening of mail, such as yours, would be unlawful and would be vigorously prosecuted if undertaken today. This finding, which is set forth in a public document, continues to be the position of the Department of Justice today.

The Attorney General also concluded that it cannot be said with any certainty that, at the time the mail-opening activities were undertaken, they were performed under any legal authority.

The ultimate legality or illegality of the mail-opening program as it existed from 1953 to 1973 is, of course, a question for the courts to decide.

And, as you can understand, any statement by the Government concerning this issue could be expected to seriously color the outcome of a number of law suits which are currently pending against the United States as well as present and former Government officials who may have been connected with the program.

It is our hope, however, that the efforts of the Government to preclude the possibility of a repetition of this conduct will, to some extent, restore your trust in the integrity of our free institutions.

Very truly yours.